

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE ESTATE OF PATRICK
MICHAEL WISE ET AL,

Plaintiffs,

v.

ROBERT CARLSEN ET AL,

Defendants.

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Case No. 2:17-cv-00788-RSP

MEMORANDUM ORDER

Before the Court is Defendant City of Gladewater, Texas's (hereinafter "the City") Motion for Summary Judgment (Dkt. No. 54.) The Court previously granted Defendant Robert Carlsen's Motion for Summary Judgment (Dkt. No. 52), concluding that Carlsen did not commit a constitutional violation and that he was therefore entitled to qualified immunity at step one of the qualified immunity analysis. (Dkt. No. 64 at 64.) However, the Court deferred summary judgment as to claims against the City to allow for further discovery. (*Id.*)

The Court now **GRANTS** the City's Motion for Summary Judgment. (Dkt. No. 54.) At the Court's status conference on June 13, 2019, Plaintiff's counsel indicated that he did not have further arguments, nor require further discovery, in opposition to the City's Motion for Summary Judgment. Furthermore, in *City of Los Angeles v. Heller*, the Supreme Court stated that "neither *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978), nor any other of our cases authorizes the award of

damages against a municipal corporation based on the actions of one of its officers when in fact the jury has concluded that the officer inflicted no constitutional harm. If a person has suffered no constitutional injury at the hands of the individual police officer, the fact that the departmental regulations might have authorized the use of constitutionally excessive force is quite beside the point.” 475 U.S. 796, 799 (1986). Similar to *Heller*, Plaintiff may not obtain damages from the City if the individual officer did not commit a constitutional violation. For these reasons and for the reasons set forth in the Court’s previous Order (Dkt. No. 64) with respect to Carlsen, the Court now concludes that the summary judgment is appropriate for other claims against the City.

SIGNED this 13th day of June, 2019.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE